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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/674,372	09/29/2003	Frederick Haubensak	42P15995	5201

8791 7590 08/23/2006

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EXAMINER

ELVE, MARIA ALEXANDRA

ART UNIT	PAPER NUMBER
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1725

DATE MAILED: 08/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/674,372

Applicant(s)

HAUBENSAK, FREDERICK

Examiner

M. Alexandra Elve

Art Unit

1725

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 June 2006.
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,10-23 and 25-29 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☐ Claim(s) _____ is/are allowed.
6) ☒ Claim(s) 7,10-23 and 25-29 is/are rejected.
7) ☐ Claim(s) _____ is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 7, 10-23 & 25-29 are rejected under 35 U.S.C. 103(a) as being unpatentable over Reinhardt (USPN 6,747,243) in view of Allen et al. (USPAP 2004/0182416 A1).

Reinhardt discloses a method and apparatus for selectively removing contaminant particles from a substrate (e.g. semiconductor wafer). The system scans the substrate surface to detect and identify any defects on the substrate surface and then software analyses the scanned data to determine characteristics of the defect and the planar x, y coordinates of each defect. This data is used to determine which defects should be removed. The laser uses the x, y coordinates to remove the contaminant while not substantially treating or directly contacting the area surrounding the contaminant thereby damaging or altering the substrate surface.

A femtosecond laser is used to remove the defects. The laser emits a beam having a diameter substantially the same size as a diameter of the defect in order to remove the defect. Laser beam diameters range from about 0.1 μm to 0.25 μm . The laser beam removing the defect at a rate that is faster than the substrate heating rate and thus avoids substrate surface damage. Defects may be removed using ablation.

Art Unit: 1725

Particle size of the contaminants which are removed from the substrate having diameters as low as 0.1 μm or even lower and those contaminants having diameters up to about 0.25 μm or higher. The laser sends out pulses at 100×10^{-15} seconds, that is, it emits short pulses than last 50 to 1,000 femtoseconds and thus avoids possible surface damage to the substrate. (abstract, figures, col. 5, lines 20-62, col. 6, lines 8-22, col. 7, lines 26-33, col. 10, lines 61-67, col. 11, lines 1-50)

Reinhardt does not teach explosive evaporation, the angle of incidence or automatic alignment and focusing.

Allen et al. discloses a method and apparatus for removing minute particles from a substrate. The apparatus tailors the energy pulses in order to remove the contaminants from the surface of a semiconductor wafer. Low pulsed laser energy density is used to remove particulate material. Explosive evaporation is used to remove particles with substantial force, that is, a thermal expansion velocity removes the particle. The pulse length of the energy and spacing of the pulses is preferably sufficiently short in order to achieve the desired temperature distribution of the energy transfer medium but not shorter in order to decrease the likelihood of substrate damage. Cleaning entails focusing the laser beam of the area of interest at approximately a 30-degree angle of incidence. The radii of particles cleaned from the surface range from 0.25 to 0.55 μm . (abstract, figures, 0002, 0005, 0009, 0010-0014, 0018, 0033, 0039, 0041, 0048, 0052-0053, 0055-0056, 0059, 0065-0066, 0068, 0074-0076, 0103)

It would have been obvious to one of ordinary skill in the art at the time of the invention to use explosive evaporation as taught by Allen et al. in the Reinhardt system because the removal technique may minimize damage to the wafer surface.

It would have been obvious to one of ordinary skill in the art at the time of the invention to use the angle of incidence (30 degrees) as taught by Allen et al., in the Reinhardt system because it ensures the optimal removal of contamination.

The provision of mechanical or automated means to replace manual activity was held to have been obvious. In re Venner 120 USPQ 192. It would have been obvious to automate alignment and focusing.

Response to Amendment

Applicant's arguments filed 6/5/06 have been fully considered but they are not persuasive.

Applicant argues that their particle explosively evaporates and vaporizes (210). The examiner respectfully disagrees because applicant's specification states that after explosive evaporation smaller pieces of the defect remain (212). Thus the particle is not completely removed. Consequently, the prior art and applicant's instant claims with respect to explosive evaporations are obviously the same.

Applicant argues that prior art has a different definition of ablation than applicant. Examination of this application reveals that it includes terminology, which is so different from that which is generally accepted in the art to which this invention pertains that a proper search of the prior art cannot be made. For example: meaning of ablation.

Applicant is required to provide a clarification of these matters or correlation with art-accepted terminology so that a proper comparison with the prior art can be made. Applicant should be careful not to introduce any new matter into the disclosure (i.e., matter which is not supported by the disclosure as originally filed).


Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to M. Alexandra Elve whose telephone number is 571-272-1173. The examiner can normally be reached on 6:30-3:00 Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Ryan can be reached on 571-272-1292. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 21, 2006.


M. Alexandra Elve
Primary Examiner 1725